

INFORMAL MEMORANDUM

VIA FAX

DATE: December 10, 1997

TO: Steve Tarlton, CDPHE

Tim Rehder, USEPA Region VIII

RE Discussion points for DPP meeting of December 11

Steve and Tim:

We've received your faxed letter of December 5 regarding the Decommissioning Program Plan. First of all, thanks for turning these around so quickly over the holiday. Second, it appears to us that we may not be all that far apart on most of the remaining DPP issues. Our thoughts on the issues brought up in your letter follow:

1. • "Restructure process and documents" and "Level of detail required for regulator approval" -- These sections of your letter address Attachments 1 and 2, on which we have some specific thoughts that I'll go into later. Regarding the other, substantive portions of these sections, it appears as though we're in general agreement. We obviously agree that the appropriate level of detail for decommissioning project approval has been arrived at in the B123 PAM and the B779 DOP. We also agree that we should jointly determine the types of information that should receive public review and comment, when such information is received late in the decommissioning process, after an initial decision document has been approved. Further, we believe that these documents (especially the B779 DOP) provide examples of how the consultative process can and should work among our organizations when actual projects are being reviewed and approved. Our primary concern with these two sections of your letter is the statement: "The present lack of general procedures/RSOP's does not relieve DOE of the responsibility for preparing specific detailed procedures for decommissioning prior to the approval of specific actions." As stated in Section 2 of your letter, we understand and expect that the decision documents themselves constitute the basis for approval of proposed actions for contaminated buildings, per B123 and B779. Our procedures themselves are not subject to approval), and we believe there is no requirement to develop all project-specific procedures prior to submitting decision documents for public review and regulator approval. We do, however, agree that "formal and informal consultation and communication will be necessary and required [in the practical sense] throughout the project."

2. • "When are RFCA decisions required for Decommissioning?" -- Despite our best efforts, we don't seem to have been successful in communicating to you our concern here. We don't think it's necessary or productive to engage in a philosophical "what's regulated by RFCA" discussion in this context, as your letter would imply. We agree that all buildings will follow the path laid out in RFCA to characterize and confirm whether or not there is significant contamination before deciding whether a RFCA decision document is needed to disposition the building. Where clarity is needed is at what point in the building disposition process we need to submit a RFCA decision document for review and approval. We have discussed criteria for determining what activities require a decision document. We believe that activities that meet all the following criteria require decision documents

1) the activity poses a threat of release of hazardous substances to the environment (practically, activities that involve contaminated buildings or parts thereof),

2) the activity is related to the building proper (that is, fixed equipment and structural components as opposed to moveable equipment, containerized chemicals, solutions in tanks, etc.), and excluding follow-on remediation activities; and,

3) the activity is not otherwise regulated, such as RCRA unit closure, asbestos and PCB removal, UST closures, etc.

While we recognize that some activities that do not meet all these criteria may be included in any given decision document for practicality's sake, we do not believe that we would be required to do so. We do want to continue discussing this general issue with you, since this seems to be a continuing source of (we believe, needless) disagreement on the DPP.

3 • "We are also concerned about the issue of mothballed buildings." -- We recognize and understand this concern on your part. We note that, although mortgage reduction through closing or mothballing buildings prior to decommissioning is contemplated under RFCA, there are no specific requirements for mothballed buildings. We do not agree that because a building is "mothballed" it no longer falls under DOE's AEA jurisdiction. Further, we don't agree that a "required" "Deactivation/End of Mission Turnover Report" is in fact required or the most expeditious way of getting you information on mothballed buildings. We suggest that specific building briefs, tours, and information contained in the Site baseline regarding ongoing building activities (such as surveillances) would provide the requested information, without having to generate additional reports. We also suggest that process steps in the DPP, such as performing a reconnaissance level characterization prior to shutting down building infrastructure systems, could help address this concern. We'd like to discuss this item further

4 • "Attachment 1 - Building Decommissioning Regulatory Process: Step 1" -- See the foregoing comment.

6 • "Step 4 Submit Reconnaissance Level Characterization Report" and "Step 5 Building Classification Decision" -- We continue to disagree that the LRA should have the role of making the final determination regarding building type. We suggest that DOE transmit the results of the recon characterization Report, along with a proposed building determination, such that the LRA will have an opportunity to review the proposed characterization, and be able to disagree with our determination within a set timeframe. We would propose to send the determination to the LRA sufficiently in advance of building decommissioning so as to allow time for any disagreements to be worked out. DOE believes that there will be very few disagreements, but is concerned that RFETS and the LRA spend their resources on the buildings where there is a need to address significant contamination. We also note that in instances where in-building contamination can be adequately addressed through a different regulatory mechanism (such as RCRA closure plans), we may choose that mechanism instead of a RFCA decision document.

5 • "Approved SOP for Asbestos abatement and/or PCB removal" -- Per the criteria delineated above, we believe that asbestos and PCB's are adequately regulated outside of RFCA, and that SOP's approved in the RFCA context are not required. We are, of course, willing to share our procedures for removal and handling of these substances with you, but believe that any deficiencies should be addressed within those respective programs. We believe that our programs for asbestos and PCB's are conducted in accordance with State requirements, and are adequately regulated pursuant to these requirements.

6 • "Step 8 Implementation" -- While we do not disagree with the general premise of this section, we are concerned with the statement that "In general, the discovery of radiologic contamination above free-release limits in a Type 1 building would cause the building to be reclassified as a Type 2 building," if this statement means that a RFCA decision document would automatically need to be prepared. We would like to discuss a

means whereby small areas of unanticipated contamination or insignificant amounts of hazardous substances could be addressed, in consultation with you, without the need to prepare a full-blown decision document. We believe it's in everyone's interest to apply resources to actual work (as opposed to writing documents) when there are existing, expeditious ways to address small, low-risk problems.

7 • "Attachment 2 - Project Plan Details" -- In general, we do not disagree with including this information in a decision document, with appropriate caveats related to the non-enforceability of background information and certain other sections, such as the project organization and schedule. We do have some question on the meaning of and rationale for some of the sections, such as the one entitled "Facility disposition." We believe the compromises reached on the B779 DOP provide a good example in this regard, and would like to discuss this area further.

We look forward to meeting with you tomorrow. Please call me at 966-6246 if you have any comments or questions. Thanks.

John Rampe
Decontamination and Decommissioning
Program Leader